

REMARKS

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

In the Office Action dated November 17, 2004, the Examiner rejected claims 2, and 5, under 35 U.S.C. §103(a), as being unpatentable over Yu '469 (U.S. Pat. No. 6,399,469) in view of Shell '956 (U.S. Pat. No. 5,429,956); rejected claims 6 and 8, under 35 U.S.C. §103(a), as being unpatentable over Yu '469 in view of Shell '956 and Chang '044 (U.S. Pat. No. 5,838,044); and rejected claim 10, under 35 U.S.C. §103(a), as being unpatentable over Yu '469 in view of Shell '956 and Kizilyalli '557 (U.S. Pat. No. 5,767,557).

By this Amendment, Applicants have amended claim 2 to provide a clearer presentation of the claimed invention. Applicants submit that no new matter has been introduced. Accordingly, claims 2, 5-6, 8, and 10, are currently presented for examination of which claim 2 remains as the sole independent claim.

Applicants respectfully traverse the prior art rejections of the claims, under 35 U.S.C. §103(a), for the reasons presented below.

I. Prior Art Rejections Under §103(a).

Independent claim 2, as amended, sets forth a semiconductor device, comprising, *inter alia*:

a first insulating film portion formed on that portion of said semiconductor substrate which is positioned between said first diffusion layers . . .

a second insulating film portion positioned on both edges of said first insulating film portion, said second insulating film portion having a thickness that is larger than a thickness of said first insulating film portion

a gate electrode having a *first gate portion formed on the first insulating film portion* and a *second gate portion formed on the second insulating film portion*, in which *the first and second gate portions are formed of the same material* . . .

As indicated above, claim 2, as amended, positively recites a configuration in which a gate electrode includes a first gate portion formed on the first insulating film portion and a second gate portion formed on the second insulating film portion, in which the first and second gate portions are formed of the same material.

Unlike the present invention, there is nothing in the Yu '469 reference that teaches the combination of elements recited by amended claim 2. In particular, Yu '469 discloses a first gate structure **220** and a second gate structure **222**. Yu '469 also discloses that the first gate structure **220** is formed by etching the first semiconductor layer **210**, which comprises polysilicon and germanium, and that the second gate structure **222** is formed by etching the second semiconductor layer **212**, which comprises polysilicon, and that the etching rates of the first and second layers 210, 212 are different. (See, Yu '469: col. 5, line 20 - col. 6, line 6; FIGs. 3, 4).

As such, the Yu '469 reference fails to disclose that the first and second gate portions are formed of the same material, as required by claim 2. Rather, Yu '469 clearly teaches that the first gate structure **220** and the second gate structure **222** are formed from different materials.

Moreover, as best understood, none of the remaining references of record, including Shell '956, Chang '044, or Kizilyalli '557 cure the deficiencies noted above. As such, none of the references of record, whether taken alone or in combination, could reasonably be construed to render claim 2 unpatentable.

For at least the reasons noted above, Applicants submit that claim 2 is patentable over the references of record. Accordingly, Applicants respectfully request the immediate withdrawal of the §103(a) rejection of independent claim 2. Moreover, because dependent claims 5, 6, 8, and 10 depend directly from claim 2, claims 5, 6, 8, and 10 are patentable by virtue of dependency as well as for their additional recitations.

II. Conclusion.

All matters having been addressed and in view of the foregoing, Applicants respectfully request the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of pending claims 2, 5, 6, 8, and 10.

Applicants' Counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. Please charge any fees associated with the submission of this paper to Deposit Account Number **033975**, Order No. **008312-0304355**. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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